



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2013 REGULAR SESSION

SENATE BILL NO. 122

TUESDAY, FEBRUARY 26, 2013

The following bill was reported to the House from the Senate and ordered to be printed.

RECEIVED AND FILED
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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. Adler

AN ACT relating to reorganization.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 196.026 is amended to read as follows:

The Department of Corrections shall consist of the following organizational units:

(1) Personnel Division;

(2) Office of Adult Institutions, which shall have the following divisions:

(a) Division of Operations and Program Services;

(b) Division of Medical Services;

(c) Division of Mental Health Services;

(d) *Division of Substance Abuse Programming;*

(e) Division of Correctional Industries;

(f)~~(e)~~ Division of Kentucky State Reformatory;

(g)~~(f)~~ Division of Luther Lockett Correctional Complex;

(h)~~(g)~~ Division of Roederer Correctional Complex;

(i)~~(h)~~ Division of Blackburn Correctional Complex;

(j)~~(i)~~ Division of Kentucky Correctional Institution for Women;

~~{(j)—Division of Frankfort Career Development Center;}~~

(k) Division of Northpoint Training Center Division;

(l) Division of Eastern Kentucky Correctional Complex;

(m) Division of Bell County Forestry Camp;

(n) Division of Kentucky State Penitentiary;

(o) Division of Western Kentucky Correctional Complex;

(p) Division of Green River Correctional Complex; and

(q) Division of Little Sandy Correctional Complex.

Each division specified in paragraphs (f)~~(e)~~ to (q) of this subsection shall be headed by a warden pursuant to KRS 196.160;

(3) Office of Community Services and Facilities, which shall have the following

divisions:

- (a) Division of Probation and Parole; and
- (b) Division of Local Facilities; and
- (4) Office of Support Services, which shall have the following divisions:
 - (a) Division of Administrative Services;
 - (b) Division of Corrections Training;~~{and}~~
 - (c) Division of Population Management; and
 - (d) Division of Parole and Victim Services.

➔Section 2. KRS 196.701 is amended to read as follows:

- (1) To develop and implement a statewide strategic plan for the state and community corrections programs, the Kentucky State Corrections Commission is created and is attached to the Office of the Secretary of the Justice and Public Safety Cabinet. The commission shall consist of twenty-three (23) members as follows:
 - (a) The secretary of the Justice and Public Safety Cabinet or his or her designee in writing;
 - (b) The commissioner of the Department of Corrections or his or her designee in writing;
 - (c) The deputy commissioner of the Office of Community Services and Facilities;
 - (d) The deputy commissioner of the Office of Adult Institutions;
 - (e) The~~{executive}~~ director of the Division of Parole and Victim Services~~{Parole Board}~~ or his or her designee in writing;
 - (f) The executive director of the Office of Legislative and Intergovernmental Services of the Justice and Public Safety Cabinet or his or her designee in writing;
 - (g) Two (2) Circuit Court Judges appointed by the Chief Justice;
 - (h) A county judge/executive appointed by the Governor;
 - (i) A county jailer appointed by the Governor;

- 1 (j) A Commonwealth's attorney appointed by the Governor;
- 2 (k) A practicing attorney appointed by the Governor;
- 3 (l) A victim, as that term is defined in KRS 346.020, appointed by the Governor;
- 4 (m) Four (4) service providers from the field of mental health, substance abuse
5 treatment, or vocational and educational training, appointed by the Governor;
- 6 (n) A public member who is qualified to express the views of organized labor,
7 appointed by the Governor;
- 8 (o) A public member who is qualified to express the views of business and
9 industry, appointed by the Governor;
- 10 (p) The public advocate or his or her designee in writing; and
- 11 (q) Three (3) at-large members appointed by the Governor.
- 12 (2) The terms of those members appointed by the appointing authority shall be three (3)
13 years. These members shall serve at the pleasure of the appointing authority and
14 shall be eligible for reappointment. The appointed members may be removed for
15 cause. All others serve during their terms of office. If there is a vacancy, the
16 appointing authority shall immediately make an appointment effective for the
17 unexpired term.
- 18 (3) The chairperson of the commission shall be the secretary of justice and public
19 safety. The commissioner of the Department of Corrections shall serve as the vice
20 chairperson who shall preside and exercise the functions of the chairperson during
21 absence or disability of the chairperson.
- 22 (4) Regular meetings of the commission shall be held at least once every four (4)
23 months at a place, day, and hour determined by the commission. Special meetings
24 shall be held when needed as determined by the chairperson. If five (5) or more
25 members of the commission request in writing that the chairperson call a special
26 meeting, then the chairperson shall call a special meeting.
- 27 (5) Members of the commission shall receive reimbursement for necessary expenses for

attendance at official commission meetings or public hearings. The administrative functions of the commission shall be performed by a full-time employee of the department who is selected by the commissioner. All public members of the commission shall, in addition to expenses, receive twenty-five dollars (\$25) per day for attending each meeting.

➔Section 3. KRS 196.702 is amended to read as follows:

The commission shall:

- (1) Develop a statewide strategic plan for the development and implementation of goals and objectives, target populations, and program criteria for community corrections programs;
- (2) Conduct, in collaboration with community corrections boards, a statewide assessment of community corrections programs;
- (3) Award all grant moneys to community corrections programs;
- (4) Review community correction program plans and their implementation to ensure compliance with the statewide strategic plan, including the following goals:
 - (a) Effectiveness of community corrections programs in maintaining public safety;
 - (b) Reduction of local commitments to the department;
 - (c) Reduction in the rate of recidivism; and
 - (d) Reduction in revocations of probation and parole;
- (5) Provide technical assistance, support, and training to local boards;
- (6) Submit an annual report no later than September 1 of each year to the commissioner, the Governor, and the General Assembly which includes at least the following information:
 - (a) The status of the implementation of the statewide strategic plan;
 - (b) The effectiveness of community corrections programs in achieving the goals outlined in subsection (4) of this section; and

- 1 (c) An accounting of the distribution of grants and other funds;
- 2 (7) Administer the provisions of KRS 196.700 to 196.735;
- 3 (8) Advise the Governor and the commissioner concerning correctional policy and
- 4 programs, including particularly the following:
 - 5 (a) The need for, and the development of, new or specialized institutions,
 - 6 facilities, or programs;
 - 7 (b) The need for, and the effectuation of, collaboration and liaison within the
 - 8 department, and between the department and community agencies and
 - 9 resources, including the bench and bar, in order to promote the readjustment
 - 10 and rehabilitation of offenders in institutions or under parole or probation
 - 11 supervision in the community; and
 - 12 (c) The need for, and the development of, useful research in penology,
 - 13 correctional treatment, criminal law, or in the disciplines relevant thereto; and
- 14 (9) Establish a Parole Board Nominating Committee which shall:
 - 15 (a) Include five (5) ex officio members of the commission:
 - 16 1. The secretary of the Justice and Public Safety Cabinet, who shall serve
 - 17 as chairperson of the committee;
 - 18 2. The commissioner of the Department of Corrections, who shall serve as
 - 19 the vice chairperson of the committee;
 - 20 3. The~~[-executive]~~ director of the Division of Parole and Victim
 - 21 Services~~[Parole Board]~~;
 - 22 4. The deputy commissioner of the Office of Adult Institutions; and
 - 23 5. The deputy commissioner of the Office of Community Services and
 - 24 Facilities;
 - 25 (b) Include ten (10) other members of the commission:
 - 26 1. Two (2) Circuit Judges;
 - 27 2. Two (2) service providers with backgrounds in mental health or

- 1 education;
- 2 3. A person representing the views of business and industry;
- 3 4. A person representing the views of organized labor;
- 4 5. A practicing attorney; and
- 5 6. Three (3) at-large members;
- 6 (c) Publicize vacancies and impending term expirations on the Parole Board in
- 7 accordance with standards set forth in KRS 424.180;
- 8 (d) Submit the names of three (3) candidates to the commission for every vacancy
- 9 or expired term on the Parole Board;
- 10 (e) Forward a statement of qualifications of each nominee to the commission
- 11 along with the nomination. This statement shall identify the experience which
- 12 meets the qualifications for Parole Board membership outlined in KRS
- 13 439.320(1); and
- 14 (f) Maintain the statement of qualifications as a public record in accordance with
- 15 KRS 61.870 to 61.884.

16 ➔Section 4. KRS 439.320 is amended to read as follows:

- 17 (1) The Governor shall appoint a Parole Board consisting of nine (9) full-time members
- 18 to be confirmed by the Senate in accordance with KRS 11.160. The Governor shall
- 19 make each appointment from a list of three (3) names given to him or her by the
- 20 Kentucky State Corrections Commission. Each member appointed to the board shall
- 21 have had at least five (5) years of actual experience in the field of penology,
- 22 correction work, law enforcement, sociology, law, education, social work, medicine,
- 23 or a combination thereof, or have served at least five (5) years previously on the
- 24 Parole Board. No more than six (6) board members shall be of the same political
- 25 party. The board shall be attached to the Justice and Public Safety Cabinet for
- 26 administrative purposes only. The Department of Corrections shall provide any
- 27 clerical, stenographic, administrative, and expert staff assistance the board deems

1 necessary to carry out its duties.

2 (2) The Governor shall designate one (1) member as chairperson of the board. The
3 member designated as chairperson shall serve in that capacity at the pleasure of the
4 Governor or until his or her term expires.

5 (3) The members of the board shall give full time to the duties of their office and shall
6 receive necessary traveling expenses and a salary to be determined pursuant to KRS
7 64.640(2), except the chairperson of the board shall receive additional
8 compensation of one thousand dollars (\$1,000) per year for his or her services.
9 Their terms of office shall be four (4) years and until their successors are appointed
10 and have qualified. Their successors shall be appointed thereafter as provided in this
11 section for terms of four (4) years, and a vacancy occurring before expiration of the
12 term of office shall be similarly filled for the unexpired term.

13 (4) The organization of the board shall be determined by the chairperson and shall be
14 consistent with administrative regulations promulgated pursuant to KRS 439.340.
15 For policy and procedural matters, five (5) members shall constitute a quorum.
16 Parole and final parole revocation hearings may be done by panels of the board,
17 subject to the following requirements:

18 (a) If a two (2) member panel is utilized, both members of the panel shall agree
19 on the decision or the matter shall be referred to the full board;

20 (b) If a three (3) member panel is utilized, two (2) of the three (3) members of the
21 panel shall agree on a decision or the matter shall be referred to the full board;
22 and

23 (c) If a panel of four (4) or more members is utilized, a majority of the panel shall
24 agree on a decision or the matter shall be referred to the full board.

25 (5) The Governor may not remove any member of the board except for disability,
26 inefficiency, neglect of duty, or malfeasance in office. Before removal, he or she
27 shall give the member a written copy of the charges against him or her and shall fix

the time when he or she can be heard in his or her defense, which shall not be less than ten (10) days thereafter. Upon removal, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and the findings thereupon with a record of the proceedings.

~~{(6) The Office of Executive Director of the Parole Board is created. The office shall be headed by an executive director who shall be appointed by and directly responsible to the secretary of the Justice and Public Safety Cabinet in matters relating to administration. The executive director shall be responsible for the support services to the Parole Board in the area of financial, personnel, and facilities management; shall provide recommendations on administrative issues affecting the board to the secretary of the Justice and Public Safety Cabinet, the chairperson of the Parole Board, and Parole Board members; shall review and draft legislation and promulgate administrative regulations for the board; and shall review parole data and conduct long range planning as relevant to the planning needs of the board.}~~

➔Section 5. KRS 317.420 is amended to read as follows:

- (1) No person shall engage in the practice of "barbering" for other than cosmetic purposes nor shall any person engage in barbering for the treatment of physical or mental ailments, except that the provisions of this chapter shall not apply to:
 - (a) Persons authorized by the law of this state to practice medicine, chiropody, optometry, dentistry, chiropractic, nursing, or embalming when incidental practices of barbering are performed by them in the normal course of the practice of their profession;
 - (b) Commissioned medical or surgical personnel of the United States Army, Navy, Air Force, or Marine Hospital Service performing incidental practices of barbering in the course of their duties; or
 - (c) Barbering services performed at an institution operated by or under contract to the Department of Corrections or the Department of Juvenile Justice.

1 (2) Except as provided in subsection (1) of this section, no person shall engage in the
 2 practice of barbering for the public generally or for consideration without the
 3 appropriate license required by this chapter.

4 (3) No person, unless duly and properly licensed pursuant to this chapter, shall:

- 5 (a) Teach barbering;
- 6 (b) Operate a barber shop;
- 7 (c) Engage in a barber apprenticeship;
- 8 (d) Conduct or operate a school for barbers; or
- 9 (e) Lease or rent booth space as an independent contract owner.

10 (4) No person shall aid or abet any person in violating the provisions of this section, nor
 11 shall any person engage or employ for consideration any person for the performance
 12 of any practice licensed by this chapter unless the person to perform such practice
 13 holds and displays the appropriate license therefor.

14 (5) Except as provided in this chapter, no person or business shall:

- 15 (a) Advertise barbering services, unless the person or business and the personnel
 16 it employs are licensed under this chapter; or
- 17 (b) Use or display a barber pole for the purpose of advertising barbering services
 18 to the public unless it:
 - 19 1. Has a barber shop license; and
 - 20 2. Employs a barber licensed under this chapter.

21 ➔Section 6. KRS 317A.020 is amended to read as follows:

22 (1) No person shall engage in the practice of cosmetology or nail technology for other
 23 than cosmetic purposes nor shall any person engage in the practice of cosmetology
 24 or nail technology for the treatment of physical or mental ailments. The provisions
 25 of this chapter do not apply to:

- 26 (a) Persons authorized by the law of this state to practice medicine, podiatry,
 27 optometry, dentistry, chiropractic, nursing, or embalming who perform

1 incidental practices of cosmetology and nail technology in the normal course
 2 of the practice of their profession; ~~and~~

3 (b) Commissioned medical or surgical personnel of the United States Army,
 4 Navy, Air Force, or Marine Hospital Service who perform incidental practices
 5 of cosmetology or nail technology in the course of their duties; and

6 (c) Cosmetology or nail technology services performed at an institution
 7 operated or under contract to the Department of Corrections or the
 8 Department of Juvenile Justice.

9 (2) Except as provided in subsection (1) of this section, no person shall engage in the
 10 practice of cosmetology or nail technology for the public, generally, or for
 11 consideration without the appropriate license required by this chapter.

12 (3) No person unless duly and properly licensed pursuant to this chapter shall:

13 (a) Teach cosmetology or nail technology;

14 (b) Operate a beauty salon;

15 (c) Engage in a cosmetology apprenticeship;

16 (d) Operate a nail salon;

17 (e) Act as a nail technician; or

18 (f) Conduct or operate a school for cosmetologists or nail technicians.

19 (4) No person shall aid or abet any person in violating the provisions of this section, nor
 20 shall any person engage or employ for consideration any person to perform any
 21 practice licensed by this chapter unless the person to perform the practice holds and
 22 displays the appropriate license.

23 (5) No licensed cosmetology instructors, licensed cosmetologists, or licensed nail
 24 technicians shall hold clinics for teaching or demonstrating for personal profit,
 25 either monetary or otherwise, if the clinics are not sponsored by a recognized
 26 professional hairdresser's, cosmetologist's, or nail technician's group.

27 (6) Whenever a person engages in different practices separately licensed, certified, or

permitted by the provisions of this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.

➔SECTION 7. KRS 439.562 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

(1) To oversee the intrastate affairs of the Interstate Compact for Adult Offender Supervision, the Kentucky Council for Interstate Adult Offender Supervision is created and attached to the Office of the Secretary of the Justice and Public Safety Cabinet for administrative purposes.

(2) The membership of the council shall consist of:

(a) The commissioner of the Department of Corrections, ex officio;

(b) The compact administrator of the Department of Corrections, ex officio;

(c) The deputy commissioner of the Office of Community Services and Facilities, ex officio;

(d) One (1) member of the House of Representatives selected by the Speaker of the House of Representatives and appointed by the Governor;

(e) One (1) member of the Senate selected by the President of the Senate and appointed by the Governor;

(f) Two (2) members of the judiciary selected by the Chief Justice of the Kentucky Supreme Court and appointed by the Governor; and

(g) Six (6) at-large members, appointed by the Governor, representing victim groups and other community interest groups.

(3) Of the initial members, except those serving ex officio, three (3) members shall be appointed to serve terms of four (4) years, three (3) members shall be appointed to terms of three (3) years, three (3) members shall be appointed to terms of two (2) years, and one (1) member shall be appointed to a term of one (1) year. Thereafter, members shall be appointed to terms of four (4) years or until their successors have been duly appointed and qualified. Members may be reappointed

and vacancies shall be immediately filled, in like manner, for the unexpired term.

(4) The Kentucky Council for Interstate Adult Offender Supervision shall meet at least annually, at the call of the chair, and shall:

(a) Advocate when seeking resources;

(b) Provide recommendations regarding operational improvements;

(c) Provide recommendations regarding dispute resolution;

(d) Provide recommendations regarding training needs;

(e) Provide recommendations regarding policy changes; and

(f) Serve as a support mechanism for the Kentucky Compact Office.

(5) The Governor shall designate one (1) member of the council as chairperson and one (1) member as vice chairperson, and a member so designated shall serve in that capacity at the pleasure of the Governor or until his or her term expires.

(6) Members of the council shall serve without compensation but shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties, subject to Finance and Administration Cabinet administrative regulations.

(7) Except as otherwise provided in this section, the Department of Corrections may promulgate administrative regulations necessary to administer the Interstate Compact for Adult Offender Supervision.

➔Section 8. KRS 15.315 is amended to read as follows:

The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

(1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, the commissioner of the Department of Criminal Justice Training, the Chief of Police of the Louisville Metro Police Department, the Chief of Police of the Lexington-Fayette Urban County Division of Police, the director~~[directors]~~ of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the

1 president of the Kentucky Peace Officers Association, the president of the Kentucky
 2 Association of Chiefs of Police, the Kentucky president of the Fraternal Order of
 3 Police, and the president of the Kentucky Sheriffs' Association shall be ex officio
 4 members of the council, as full voting members of the council by reason of their
 5 office. The United States attorneys for the Eastern and Western Districts of
 6 Kentucky may confer and designate a local law enforcement liaison who shall serve
 7 on the council in an advisory capacity only without voting privileges. Each ex
 8 officio member may designate in writing a person to represent him or her and to
 9 vote on his or her behalf. Designees of the Department of Kentucky State Police,
 10 Department of Criminal Justice Training, Louisville Metro Police Department,
 11 and the Lexington-Fayette Urban County Division of Police shall be the head of
 12 the agency's training division or the agency's deputy chief or deputy
 13 commissioner.

14 (2) Twelve (12) members shall be appointed by the Governor for terms of four (4) years
 15 from the following classifications: a city manager or mayor, a county
 16 judge/executive, three (3) Kentucky sheriffs, a member of the Kentucky State Bar
 17 Association, five (5) chiefs of police, and a citizen of Kentucky not coming within
 18 the foregoing classifications. No person shall serve beyond the time he or she holds
 19 the office or employment by reason of which he or she was initially eligible for
 20 appointment. Vacancies shall be filled in the same manner as the original
 21 appointment and the successor shall be appointed for the unexpired term. Any
 22 member may be appointed for additional terms.

23 (3) No member may serve on the council with the dual membership as the
 24 representative of more than one (1) of the aforementioned groups or the holder of
 25 more than one (1) of the aforementioned positions. In the event that an existing
 26 member of the council assumes a position entitling him to serve on the council in
 27 another capacity, the Governor shall appoint an additional member from the group

1 concerned to prevent dual membership.

2 (4) Membership on the council does not constitute a public office, and no member shall
3 be disqualified from holding public office by reason of his membership.

4 ➔Section 9. KRS 12.020 is amended to read as follows:

5 Departments, program cabinets and their departments, and the respective major
6 administrative bodies that they include are enumerated in this section. It is not intended
7 that this enumeration of administrative bodies be all-inclusive. Every authority, board,
8 bureau, interstate compact, commission, committee, conference, council, office, or any
9 other form of organization shall be included in or attached to the department or program
10 cabinet in which they are included or to which they are attached by statute or statutorily
11 authorized executive order; except in the case of the Personnel Board and where the
12 attached department or administrative body is headed by a constitutionally elected officer,
13 the attachment shall be solely for the purpose of dissemination of information and
14 coordination of activities and shall not include any authority over the functions,
15 personnel, funds, equipment, facilities, or records of the department or administrative
16 body.

17 I. Cabinet for General Government - Departments headed by elected officers:

- 18 1. The Governor.
- 19 2. Lieutenant Governor.
- 20 3. Department of State.
 - 21 (a) Secretary of State.
 - 22 (b) Board of Elections.
 - 23 (c) Registry of Election Finance.
- 24 4. Department of Law.
 - 25 (a) Attorney General.
- 26 5. Department of the Treasury.
 - 27 (a) Treasurer.

1 6. Department of Agriculture.

2 (a) Commissioner of Agriculture.

3 (b) Kentucky Council on Agriculture.

4 7. Auditor of Public Accounts.

5 II. Program cabinets headed by appointed officers:

6 1. Justice and Public Safety Cabinet:

7 (a) Department of Kentucky State Police.

8 (b) Department of Criminal Justice Training.

9 (c) Department of Corrections.

10 (d) Department of Juvenile Justice.

11 (e) Office of the Secretary.

12 (f) Office of Drug Control Policy.

13 (g) Office of Legal Services.

14 (h) Office of the Kentucky State Medical Examiner.

15 (i) Parole Board.

16 (j) Kentucky State Corrections Commission.

17 (k) Office of Legislative and Intergovernmental Services.

18 (l) Office of Management and Administrative Services.

19 (m) ~~Office of Investigations.~~

20 ~~(n) —~~ Department for Public Advocacy.

21 2. Education and Workforce Development Cabinet:

22 (a) Office of the Secretary.

23 1. Governor's Scholars Program.

24 (b) Office of Legal and Legislative Services.

25 1. Client Assistance Program.

26 (c) Office of Communication.

27 (d) Office of Budget and Administration.

- 1 1. Division of Human Resources.
- 2 2. Division of Administrative Services.
- 3 3. Division of Technology Services.
- 4 (e) Office of Educational Programs.
- 5 (f) Board of Directors for the Center for School Safety.
- 6 (g) Council on Postsecondary Education.
- 7 1. Foundation for Adult Education.
- 8 (h) Department of Education.
- 9 1. Kentucky Board of Education.
- 10 (i) Department for Libraries and Archives.
- 11 (j) Department of Workforce Investment.
- 12 1. Office for the Blind.
- 13 2. Office of Vocational Rehabilitation.
- 14 3. Office of Career and Technical Education.
- 15 4. Office of Employment and Training.
- 16 (k) Foundation for Workforce Development.
- 17 (l) Kentucky Office for the Blind State Rehabilitation Council.
- 18 (m) Kentucky Technical Education Personnel Board.
- 19 (n) Kentucky Workforce Investment Board.
- 20 (o) Statewide Council for Vocational Rehabilitation.
- 21 (p) Statewide Independent Living Council.
- 22 (q) Unemployment Insurance Commission.
- 23 (r) Education Professional Standards Board.
- 24 1. Division of Educator Preparation.
- 25 2. Division of Certification.
- 26 3. Division of Professional Learning and Assessment.
- 27 4. Division of Legal Services.

- 1 (s) Kentucky Commission on the Deaf and Hard of Hearing.
- 2 (t) Kentucky Educational Television.
- 3 (u) Kentucky Environmental Education Council.
- 4 3. Energy and Environment Cabinet:
 - 5 (a) Office of the Secretary.
 - 6 1. Office of Legislative and Intergovernmental Affairs.
 - 7 2. Office of General Counsel.
 - 8 a. Environmental Protection Legal Division.
 - 9 3. Office of Administrative Hearings.
 - 10 4. Mine Safety Review Commission.
 - 11 5. Kentucky State Nature Preserves Commission.
 - 12 6. Kentucky Environmental Quality Commission.
 - 13 7. Kentucky Public Service Commission.
 - 14 (b) Department for Environmental Protection.
 - 15 1. Office of the Commissioner.
 - 16 2. Division for Air Quality.
 - 17 3. Division of Water.
 - 18 4. Division of Environmental Program Support.
 - 19 5. Division of Waste Management.
 - 20 6. Division of Enforcement.
 - 21 7. Division of Compliance Assistance.
 - 22 (c) Department for Natural Resources.
 - 23 1. Office of the Commissioner.
 - 24 2. Division of Technical and Administrative Support.
 - 25 3. Division of Mine Permits.
 - 26 4. Division of Mine Reclamation and Enforcement.
 - 27 5. Division of Abandoned Mine Lands.

- 1 6. Division of Oil and Gas.
- 2 7. Office of Mine Safety and Licensing.
- 3 8. Division of Forestry.
- 4 9. Division of Conservation.
- 5 (d) Department for Energy Development and Independence.
- 6 1. Division of Efficiency and Conservation.
- 7 2. Division of Renewable Energy.
- 8 3. Division of Biofuels.
- 9 4. Division of Energy Generation Transmission and Distribution.
- 10 5. Division of Carbon Management.
- 11 6. Division of Fossil Energy Development.
- 12 4. Public Protection Cabinet.
- 13 (a) Office of the Secretary.
- 14 1. Office of Communications and Public Outreach.
- 15 2. Office of Legal Services.
- 16 a. Insurance Legal Division.
- 17 b. Charitable Gaming Legal Division.
- 18 c. Alcoholic Beverage Control Legal Division.
- 19 d. Housing, Buildings and Construction Legal Division.
- 20 e. Financial Institutions Legal Division.
- 21 (b) Crime Victims Compensation Board.
- 22 (c) Board of Claims.
- 23 (d) Kentucky Board of Tax Appeals.
- 24 (e) Kentucky Boxing and Wrestling Authority.
- 25 (f) Kentucky Horse Racing Commission.
- 26 1. Division of Licensing.
- 27 2. Division of Incentives and Development.

- 1 3. Division of Veterinary Services.
- 2 4. Division of Security and Enforcement.
- 3 (g) Department of Alcoholic Beverage Control.
- 4 1. Division of Distilled Spirits.
- 5 2. Division of Malt Beverages.
- 6 3. Division of Enforcement.
- 7 (h) Department of Charitable Gaming.
- 8 1. Division of Licensing and Compliance.
- 9 2. Division of Enforcement.
- 10 (i) Department of Financial Institutions.
- 11 1. Division of Depository Institutions.
- 12 2. Division of Non-Depository Institutions.
- 13 3. Division of Securities.
- 14 (j) Department of Housing, Buildings and Construction.
- 15 1. Division of Fire Prevention.
- 16 2. Division of Plumbing.
- 17 3. Division of Heating, Ventilation, and Air Conditioning.
- 18 4. Division of Building Code Enforcement.
- 19 (k) Department of Insurance.
- 20 1. Property and Casualty Division.
- 21 2. Health and Life Division.
- 22 3. Division of Financial Standards and Examination.
- 23 4. Division of Agent Licensing.
- 24 5. Division of Insurance Fraud Investigation.
- 25 6. Consumer Protection Division.
- 26 7. Division of Kentucky Access.
- 27 (l) Office of Occupations and Professions.

1 5. Labor Cabinet.

2 (a) Office of the Secretary.

3 1. Division of Management Services.

4 2. Office of General Counsel.

5 (b) Office of General Administration and Program Support for Shared
6 Services.

7 1. Division of Human Resource Management.

8 2. Division of Fiscal Management.

9 3. Division of Budgets.

10 4. Division of Information Services.

11 (c) Office of Inspector General for Shared Services.

12 (d) Department of Workplace Standards.

13 1. Division of Employment Standards, Apprenticeship, and
14 Mediation.

15 2. Division of Occupational Safety and Health Compliance.

16 3. Division of Occupational Safety and Health Education and
17 Training.

18 4. Division of Workers' Compensation Funds.

19 (e) Department of Workers' Claims.

20 1. Office of General Counsel for Workers' Claims.

21 2. Office of Administrative Law Judges.

22 3. Division of Claims Processing.

23 4. Division of Security and Compliance.

24 5. Division of Information and Research.

25 6. Division of Ombudsman and Workers' Compensation Specialist
26 Services.

27 7. Workers' Compensation Board.

- 1 8. Workers' Compensation Advisory Council.
- 2 9. Workers' Compensation Nominating Commission.
- 3 (f) Workers' Compensation Funding Commission.
- 4 (g) Kentucky Labor-Management Advisory Council.
- 5 (h) Occupational Safety and Health Standards Board.
- 6 (i) Prevailing Wage Review Board.
- 7 (j) Apprenticeship and Training Council.
- 8 (k) State Labor Relations Board.
- 9 (l) Employers' Mutual Insurance Authority.
- 10 (m) Kentucky Occupational Safety and Health Review Commission.
- 11 6. Transportation Cabinet:
- 12 (a) Department of Highways.
- 13 1. Office of Project Development.
- 14 2. Office of Project Delivery and Preservation.
- 15 3. Office of Highway Safety.
- 16 4. Highway District Offices One through Twelve.
- 17 (b) Department of Vehicle Regulation.
- 18 (c) Department of Aviation.
- 19 (d) Department of Rural and Municipal Aid.
- 20 1. Office of Local Programs.
- 21 2. Office of Rural and Secondary Roads.
- 22 (e) Office of the Secretary.
- 23 1. Office of Public Affairs.
- 24 2. Office for Civil Rights and Small Business Development.
- 25 3. Office of Budget and Fiscal Management.
- 26 4. Office of Inspector General.
- 27 (f) Office of Support Services.

- 1 (g) Office of Transportation Delivery.
- 2 (h) Office of Audits.
- 3 (i) Office of Human Resource Management.
- 4 (j) Office of Information Technology.
- 5 (k) Office of Legal Services.
- 6 7. Cabinet for Economic Development:
 - 7 (a) Office of Administration and Support.
 - 8 (b) Department for New Business Development.
 - 9 (c) Department of Financial Incentives.
 - 10 (d) Department for Existing Business Development.
 - 11 (e) Tobacco Research Board.
 - 12 (f) Kentucky Economic Development Finance Authority.
 - 13 (g) Office of Research and Information Technology.
 - 14 (h) Department of Commercialization and Innovation.
 - 15 (i) Office of Legal Services.
 - 16 (j) Commission on Small Business Advocacy.
- 17 8. Cabinet for Health and Family Services:
 - 18 (a) Office of the Secretary.
 - 19 (b) Office of Health Policy.
 - 20 (c) Office of Legal Services.
 - 21 (d) Office of Inspector General.
 - 22 (e) Office of Communications and Administrative Review.
 - 23 (f) Office of the Ombudsman.
 - 24 (g) Office of Policy and Budget.
 - 25 (h) Office of Human Resource Management.
 - 26 (i) Office of Administrative and Technology Services.
 - 27 (j) Department for Public Health.

- 1 (k) Department for Medicaid Services.
- 2 (l) Department for Behavioral Health, Developmental and Intellectual
- 3 Disabilities.
- 4 (m) Department for Aging and Independent Living.
- 5 (n) Department for Community Based Services.
- 6 (o) Department for Income Support.
- 7 (p) Department for Family Resource Centers and Volunteer Services.
- 8 (q) Kentucky Commission on Community Volunteerism and Service.
- 9 (r) Kentucky Commission for Children with Special Health Care Needs.
- 10 (s) Governor's Office of Electronic Health Information.
- 11 9. Finance and Administration Cabinet:
- 12 (a) Office of General Counsel.
- 13 (b) Office of the Controller.
- 14 (c) Office of Administrative Services.
- 15 (d) Office of Public Information.
- 16 (e) Office of Policy and Audit.
- 17 (f) Department for Facilities and Support Services.
- 18 (g) Department of Revenue.
- 19 (h) Commonwealth Office of Technology.
- 20 (i) State Property and Buildings Commission.
- 21 (j) Office of Equal Employment Opportunity and Contract Compliance.
- 22 (k) Kentucky Employees Retirement Systems.
- 23 (l) Commonwealth Credit Union.
- 24 (m) State Investment Commission.
- 25 (n) Kentucky Housing Corporation.
- 26 (o) Kentucky Local Correctional Facilities Construction Authority.
- 27 (p) Kentucky Turnpike Authority.

- 1 (q) Historic Properties Advisory Commission.
- 2 (r) Kentucky Tobacco Settlement Trust Corporation.
- 3 (s) Kentucky Higher Education Assistance Authority.
- 4 (t) Kentucky River Authority.
- 5 (u) Kentucky Teachers' Retirement System Board of Trustees.
- 6 (v) Executive Branch Ethics Commission.
- 7 10. Tourism, Arts and Heritage Cabinet:
- 8 (a) Kentucky Department of Travel and Tourism.
- 9 (1) Division of Tourism Services.
- 10 (2) Division of Marketing and Administration.
- 11 (3) Division of Communications and Promotions.
- 12 (b) Kentucky Department of Parks.
- 13 (1) Division of Information Technology.
- 14 (2) Division of Human Resources.
- 15 (3) Division of Financial Operations.
- 16 (4) Division of Facilities Management.
- 17 (5) Division of Facilities Maintenance.
- 18 (6) Division of Customer Services.
- 19 (7) Division of Recreation.
- 20 (8) Division of Golf Courses.
- 21 (9) Division of Food Services.
- 22 (10) Division of Rangers.
- 23 (11) Division of Resort Parks.
- 24 (12) Division of Recreational Parks and Historic Sites.
- 25 (c) Department of Fish and Wildlife Resources.
- 26 (1) Division of Law Enforcement.
- 27 (2) Division of Administrative Services.

- 1 (3) Division of Engineering.
- 2 (4) Division of Fisheries.
- 3 (5) Division of Information and Education.
- 4 (6) Division of Wildlife.
- 5 (7) Division of Public Affairs.
- 6 (d) Kentucky Horse Park.
- 7 (1) Division of Support Services.
- 8 (2) Division of Buildings and Grounds.
- 9 (3) Division of Operational Services.
- 10 (e) Kentucky State Fair Board.
- 11 (1) Office of Administrative and Information Technology Services.
- 12 (2) Office of Human Resources and Access Control.
- 13 (3) Division of Expositions.
- 14 (4) Division of Kentucky Exposition Center Operations.
- 15 (5) Division of Kentucky International Convention Center.
- 16 (6) Division of Public Relations and Media.
- 17 (7) Division of Venue Services.
- 18 (8) Division of Personnel Management and Staff Development.
- 19 (9) Division of Sales.
- 20 (10) Division of Security and Traffic Control.
- 21 (11) Division of Information Technology.
- 22 (12) Division of the Louisville Arena.
- 23 (13) Division of Fiscal and Contract Management.
- 24 (14) Division of Access Control.
- 25 (f) Office of the Secretary.
- 26 (1) Office of Finance.
- 27 (2) Office of Research and Administration.

- 1 (3) Office of Governmental Relations and Tourism Development.
- 2 (4) Office of the Sports Authority.
- 3 (5) Kentucky Sports Authority.
- 4 (g) Office of Legal Affairs.
- 5 (h) Office of Human Resources.
- 6 (i) Office of Public Affairs and Constituent Services.
- 7 (j) Office of Creative Services.
- 8 (k) Office of Capital Plaza Operations.
- 9 (l) Office of Arts and Cultural Heritage.
- 10 (m) Kentucky African-American Heritage Commission.
- 11 (n) Kentucky Foundation for the Arts.
- 12 (o) Kentucky Humanities Council.
- 13 (p) Kentucky Heritage Council.
- 14 (q) Kentucky Arts Council.
- 15 (r) Kentucky Historical Society.
- 16 (1) Division of Museums.
- 17 (2) Division of Oral History and Educational Outreach.
- 18 (3) Division of Research and Publications.
- 19 (4) Division of Administration.
- 20 (s) Kentucky Center for the Arts.
- 21 (1) Division of Governor's School for the Arts.
- 22 (t) Kentucky Artisans Center at Berea.
- 23 (u) Northern Kentucky Convention Center.
- 24 (v) Eastern Kentucky Exposition Center.
- 25 11. Personnel Cabinet:
- 26 (a) Office of the Secretary.
- 27 (b) Department of Human Resources Administration.

- 1 (c) Office of Employee Relations.
- 2 (d) Kentucky Public Employees Deferred Compensation Authority.
- 3 (e) Office of Administrative Services.
- 4 (f) Office of Legal Services.
- 5 (g) Governmental Services Center.
- 6 (h) Department of Employee Insurance.
- 7 (i) Office of Diversity and Equality.
- 8 (j) Center of Strategic Innovation.

9 III. Other departments headed by appointed officers:

- 10 1. Department of Military Affairs.
- 11 2. Department for Local Government.
- 12 3. Kentucky Commission on Human Rights.
- 13 4. Kentucky Commission on Women.
- 14 5. Department of Veterans' Affairs.
- 15 6. Kentucky Commission on Military Affairs.
- 16 7. Office of Minority Empowerment.
- 17 8. Governor's Council on Wellness and Physical Activity.

18 ➔Section 10. KRS 15A.020 is amended to read as follows:

19 (1) The Justice and Public Safety Cabinet shall have the following departments:

- 20 (a) Department of Corrections;
- 21 (b) Department of Criminal Justice Training, which shall have the following
- 22 divisions:
 - 23 1. Training Operations Division;
 - 24 2. Administrative Division; and
 - 25 3. Training Support Division;
- 26 (c) Department of Juvenile Justice, which shall have the following divisions:
 - 27 1. Division of Medical Services;

- 1 2. Division of Western Region;
- 2 3. Division of Central Region;
- 3 4. Division of Eastern Region;
- 4 5. Division of Southeastern Region;
- 5 6. Division of Administrative Services;
- 6 7. Division of Program Services;
- 7 8. Division of Placement Services;
- 8 9. Division of Professional Development; and
- 9 10. Division of Community and Mental Health Services;

10 (d) Department of Kentucky State Police, which shall have the following
11 divisions:

- 12 1. Administrative Division;
- 13 2. Operations Division;
- 14 3. Technical Services Division; and
- 15 4. Commercial Vehicle Enforcement Division; and

16 (e) Department for Public Advocacy, which shall have the following divisions:

- 17 1. Protection and Advocacy Division;
- 18 2. Division of Law Operations;
- 19 3. Division of Trial Services;
- 20 4. Division of Post-Trial Services; and
- 21 5. Division of Conflict Services.

22 (2) Each department, except for the Department for Public Advocacy, shall be headed
23 by a commissioner who shall be appointed by the secretary of justice and public
24 safety with the approval of the Governor as required by KRS 12.040. Each
25 commissioner shall be directly responsible to the secretary and shall have such
26 functions, powers, and duties as provided by law and as the secretary may prescribe.
27 The Department for Public Advocacy shall be headed by the public advocate,

1 appointed as required by KRS 31.020, who shall be directly responsible to the
 2 Public Advocacy Commission. The Department for Public Advocacy is an
 3 independent state agency which shall be attached to the Justice and Public Safety
 4 Cabinet for administrative purposes only. The Justice and Public Safety Cabinet
 5 shall not have control over the Department for Public Advocacy's information
 6 technology equipment and use unless granted access by court order.

7 (3) The Justice and Public Safety Cabinet shall have the following offices:

8 (a) Office of the Secretary, which shall be headed by a deputy secretary appointed
 9 pursuant to KRS 12.050 and responsible for the direct administrative support
 10 for the secretary and other duties as assigned by the secretary, and which, with
 11 the approval of the secretary, may employ such staff as necessary to perform
 12 the duties, functions, and responsibilities of the office;

13 (b) Office of Management and Administrative Services, which shall be headed by
 14 an executive director appointed pursuant to KRS 12.050 who shall be
 15 responsible to and report to the secretary and be responsible for all matters
 16 relating to human resources, state and federal grants management, including
 17 but not limited to the administration of KRS 15A.060, fiscal functions,
 18 management and daily operations of the information processing activities for
 19 the cabinet, and management and daily administrative services for the cabinet;
 20 and who, with the approval of the secretary, may employ such staff as
 21 necessary to perform the duties, functions, and responsibilities of the office;

22 (c) Office of Legal Services, which shall be headed by an executive director
 23 appointed pursuant to KRS 12.050 and 12.210, that: {to}

24 1. Shall provide legal representation and services for the cabinet; and

25 2. May investigate all complaints regarding the facilities, staff, treatment
 26 of juveniles, and other matters relating to the operation of the Justice
 27 and Public Safety Cabinet. If it appears that there is a violation of

statutes, administrative regulations, policies, court decisions, the rights of juveniles who are subject to the orders of the department, or any other matter relating to the Justice and Public Safety Cabinet, the office shall report to the secretary of the Justice and Public Safety Cabinet who shall, if required, refer the matter to a law enforcement agency, Commonwealth's attorney, county attorney, the Attorney General, or federal agencies, as appropriate. The office may be used to investigate matters in which there is a suspicion of violation of written policy, administrative regulation, or statutory law within the Department for Public Advocacy only when the investigation will have no prejudicial impact upon a person who has an existing attorney-client relationship with the Department for Public Advocacy. Notwithstanding the provisions of this subparagraph, investigation and discipline of KRS Chapter 16 personnel shall continue to be conducted by the Department of Kentucky State Police pursuant to KRS Chapter 16. The office shall conduct no other investigations under the authority granted in this paragraph. The secretary may, by administrative order, assign the investigative functions herein to a branch within the office.

The executive director shall be directly responsible to and report to the secretary and, with the approval of the secretary, may employ such attorneys appointed pursuant to KRS 12.210 and other staff as necessary to perform the duties, functions, and responsibilities of the office;

- (d) Office of Legislative and Intergovernmental Services, which shall be headed by an executive director appointed pursuant to KRS 12.050 who shall be responsible for all matters relating to the provision of support to the Criminal Justice Council, legislative liaison services, and functions and duties vested in

1 the Criminal Justice Council as described in KRS 15A.030. The executive
2 director shall be directly responsible to and report to the secretary and may
3 employ such staff as necessary to perform the duties, functions, and
4 responsibilities of the office;

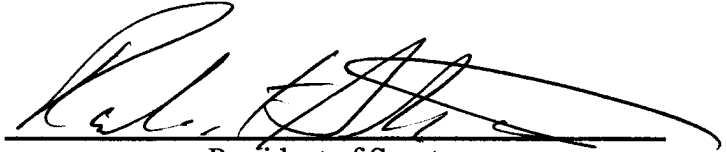
5 (e) Office of the Kentucky State Medical Examiner, which shall be headed by a
6 chief medical examiner appointed pursuant to KRS 72.240 who shall be
7 responsible for all matters relating to forensic pathology and forensic
8 toxicology and other duties as assigned by the secretary. The executive
9 director appointed pursuant to KRS 12.050 shall be responsible for all matters
10 related to the administrative support of the Office of the State Medical
11 Examiner. The executive director shall report directly to the secretary and with
12 the approval of the secretary may employ such administrative support staff as
13 necessary to perform the administrative duties, functions, and responsibilities
14 of the office. The chief medical examiner shall be directly responsible to and
15 report to the secretary and may employ such staff as necessary to perform the
16 forensic duties, functions, and responsibilities of the office; and

17 (f) Office of Drug Control Policy, which shall be headed by an executive director
18 appointed pursuant to KRS 12.050 who shall be responsible for all matters
19 relating to the research, coordination, and execution of drug control policy and
20 for the management of state and federal grants, including but not limited to the
21 prevention and treatment related to substance abuse. By December 31 of each
22 year, the Office of Drug Control Policy shall review, approve, and coordinate
23 all current projects of any substance abuse program which is conducted by or
24 receives funding through agencies of the executive branch. This oversight
25 shall extend to all substance abuse programs which are principally related to
26 the prevention or treatment, or otherwise targeted at the reduction, of
27 substance abuse in the Commonwealth. The Office of Drug Control Policy

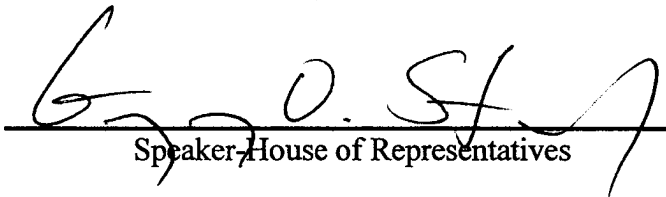
1 shall promulgate administrative regulations consistent with enforcing this
2 oversight authority. The executive director shall be directly responsible to and
3 report to the secretary and may employ such staff as necessary to perform the
4 duties, functions, and responsibilities of the office]; and

5 ~~(g) Office of Investigations, which shall be headed by an executive director~~
6 ~~appointed pursuant to KRS 12.050 who shall be responsible for investigating~~
7 ~~all complaints regarding the facilities, staff, treatment of juveniles, and other~~
8 ~~matters relating to the operation of the Justice and Public Safety Cabinet. If it~~
9 ~~appears that there is a violation of statutes, administrative regulations,~~
10 ~~police, court decisions, the rights of juveniles who are subject to the orders~~
11 ~~of the department, or any other matter relating to the Justice and Public Safety~~
12 ~~Cabinet, the office shall report to the secretary of the Justice and Public Safety~~
13 ~~Cabinet who shall, if required, refer the matter to a law enforcement agency,~~
14 ~~Commonwealth's attorney, county attorney, the Attorney General, or federal~~
15 ~~agencies, as appropriate. The executive director shall be directly responsible~~
16 ~~to and report to the secretary and, with the approval of the secretary, may~~
17 ~~employ such staff as necessary to perform the duties, functions, and~~
18 ~~responsibilities of the office. The Office of Investigations may be used to~~
19 ~~investigate matters in which there is a suspicion of violation of written policy,~~
20 ~~administrative regulation, or statutory law within the Department for Public~~
21 ~~Advocacy only when such investigation will have no prejudicial impact upon~~
22 ~~a person who has an existing attorney-client relationship with the Department~~
23 ~~for Public Advocacy. Notwithstanding the provisions of this paragraph,~~
24 ~~investigation and discipline of KRS Chapter 16 personnel shall continue to be~~
25 ~~conducted by the Department of Kentucky State Police pursuant to KRS~~
26 ~~Chapter 16. The Office of Investigations shall conduct no other~~
27 ~~investigations].~~

1 ➔Section 11. Notwithstanding KRS 12.028, the General Assembly confirms
2 Executive Order 2012-560, dated July 6, 2012 to the extent it is not otherwise confirmed
3 or superseded by this Act.



President of Senate



Speaker, House of Representatives

Attest: 

Chief Clerk of Senate

Approved 

Governor

Date 3-21-13